

*** THIS DOCUMENT IS CURRENT THROUGH THE JANUARY 2004 REVISIONS ***

TITLE 16. CONSUMERS, COMMERCIAL PRACTICES, & CIVIL INFRACTIONS

CHAPTER 7. MOVING HOUSEHOLD GOODS

CDCR 16-700 (2004)

16-700. GENERAL PROVISIONS

700.1 No household goods contractor shall engage in the business of the transportation of household goods unless that contractor is registered with the Mayor as provided in this chapter.

700.2 Except for transactions in which the total consideration actually to be paid by an owner is less than fifty dollars (\$ 50), no household goods contractor shall begin the transportation of household goods for an owner until after the understanding between the owner and the contractor with respect to the work has been incorporated into a written contract complying with the provisions of § 702.

700.3 The functions of the Mayor under this chapter, and the implementation and enforcement of the provisions of this chapter, are vested in the Director of the D.C. Department of Consumer and Regulatory Affairs (also referred to in this chapter as the "Department"). The Director of the Department, or the Director's representative or designee, are also referred to in this chapter as the "Director."

700.4 The Mayor is authorized to promulgate such procedural rules as may be necessary to govern the conduct of the hearings required under the provisions of § 705.

700.5 Any person who violates any provision of this chapter shall, upon conviction, be punished by a fine not more than three hundred dollars (\$ 300), or imprisonment for not more than ten (10) days, or both, for each and every separate violation.

700.6 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

16-701. REGISTRATION OF CONTRACTORS

701.1 Each person required to be registered under § 700.1 shall furnish to the Director the registration information required on a form prescribed by the Director.

701.2 The registration form shall require that the Director be provided with the following information:

- (a) The contractor's name, principal business address, and home address in the case of an individual;
- (b) If the contractor is a corporation or partnership, the names and home addresses of all partners (or the president, vice-president and secretary of the corporation); and
- (c) The name under which the business is being (or will be) conducted.

701.3 No person whose registration has been suspended under § 705 shall be re-registered other than in accordance with the terms of the order of suspension, and no corporation or partnership shall be registered if there is then outstanding an order of suspension of the registration of an individual who is an officer of the corporation, or a partner in the partnership.

701.4 After a registration has been submitted, the Director shall return a duplicate copy of the form to the registrant which shall be validated by the Director to evidence the registrant's registration under this chapter.

701.5 The validated form shall contain a registration number to be furnished by the Director.

701.6 Each registrant shall maintain the validated duplicate copy of the registration form at the registrant's main business location (or home, if the registrant has no business address), and shall display the registration form or a copy of it to any actual or potential customer, or the Director, on request.

701.7 The contractor's registration number shall be prominently displayed on each motor vehicle used by the registered contractor.

History of Regulations since Last Compilation by Agency (July 1998)

16-702. CONTRACTS FOR MOVING HOUSEHOLD GOODS

702.1 Each contract required under § 700.2 shall contain the following:

- (a) The name, address, and telephone number of the contractor;
- (b) A statement of each service to be performed for which charges will be made;
- (c) A statement of the amount of each charge or the manner in which it shall be computed;
- (d) A statement of the manner and time of payment;
- (e) The approximate date(s) on which the moving required by the contract is to start and will be completed;
- (f) The original location and the destination of the household goods to be transported;
- (g) The name, address and telephone number of the place of storage, if any, and the hours during which the stored goods can be inspected by the owner; and
- (h) A statement as to whether the contractor maintains insurance coverage for the benefit of customers, insuring against loss of or damage to the customer's household goods while the goods are in the contractor's custody, and if so, the types and financial limitations of that insurance coverage.

702.2 No contractor shall include in any moving contract required under this chapter any provision waiving or purporting to waive any provision of this chapter.

702.3 Any waiver provision included in a contract in violation of § 702.2 shall be void and of no effect.

702.4 No contractor shall accept any payment for the transportation of household goods without promptly delivering to the owner a receipt for that payment, except for payments made by the owner's personal check.

702.5 No release of liability given by an owner to a contractor in connection with the transportation of household goods shall be effective until forty-eight (48) hours have elapsed following completion of delivery, and the owner has not, during that period, rescinded the release by written notification to the contractor postmarked prior to the expiration of the forty-eight (48) hour period.

16-703. ESTIMATES GIVEN WHEN NO WRITTEN CONTRACT IS REQUIRED

703.1 If there is no written contract required under § 700.2, and the contractor furnishes an estimate of the charges to the owner for the transportation of household goods, and the actual charges sought to be collected exceed that estimate by more than ten percent (10%) of the estimate, the contractor shall deliver the household goods to the owner upon the payment of the amount of the estimate plus ten percent (10%).

703.2 Once the goods have been delivered and partial payment made under § 703.1, the owner shall have a period of fifteen (15) days following delivery in which to pay the balance.

16-704. EQUIPMENT AND STORAGE

704.1 All vehicles used by a household goods contractor in connection with the transportation of household goods shall be equipped to protect the goods from damage by the weather and other foreseeable causes.

704.2 If a contractor stores household goods in connection with the transportation of household goods, the place of storage shall provide protection for the goods against damage by the weather and other foreseeable causes.

16-705. SUSPENSION OF REGISTRATION

705.1 If at least three (3) complaints of a registrant's failure to abide by the provisions of this chapter have been made to the Director during any twenty-four (24) month period by at least three (3) separate customers, the Director may give notice to the registrant of the Director's intent to hold a hearing to determine whether the registrant's registration under this chapter should be suspended.

705.2 If a registrant has been convicted of a violation of this chapter or of any other criminal offense involving fraudulent conduct in connection with the transportation of household goods, the Director may give notice to the registrant of the Director's intent to hold a hearing to determine whether the registrant's registration under this chapter should be suspended.

705.3 The notice to be given by the Director shall include the following:

(a) The time [which shall not be sooner than thirty (30) days from the date of the notice] and place for the hearing; and

(b) The basis upon which the Director proposes to suspend the registrant's registration.

705.4 If the hearing is to be held upon the basis of customers' complaints, the notice shall be accompanied by copies of those complaints.

705.5 The notice shall be served upon the registrant personally or by either of the following methods:

(a) By leaving a copy of the notice at the last business address (or home address, if there is no business address) of which the Director has been given notice by the registrant with a person eighteen (18) years of age or older who works or resides there; or

(b) By mailing a copy of the notice by certified mail, return receipt requested, to the business address (or home address if there is no business address) of which the Director has been given notice by the registrant.

705.6 The Director shall conduct the hearing in accordance with the provisions of § 10 of the D.C. Administrative Procedure Act (D.C. Code § 1-1510 (1981 Ed.)).

705.7 If on the basis of the evidence the Director is satisfied that the registrant has intentionally and regularly been conducting the business in violation of this chapter, the Director may issue an order suspending that registrant's registration for such time and under such circumstances as the Director deems proper.

705.8 The order of suspension may extend to a permanent suspension of the registration.

16-799. DEFINITIONS

799.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Director - the Director of the Department of Consumer and Regulatory Affairs or the Director's representative, agent, or designee.

Household goods - furniture, appliances, personal effects, and other property used or to be used in a dwelling.

Household goods contractor or contractor - any person (except the federal government, any political subdivision of the federal government, or the government of the District of Columbia) who owns a business which transports household goods for a consideration.

Moving contract - an agreement for the performance of transportation of household goods.

Owner - any person, or that person's agent, who enters into a moving contract for the transportation of household goods owned by that person.

Person - an individual, partnership, corporation, or other legal entity.

Registrant - a person registered with the Department pursuant to this chapter.

Transportation of household goods - the act of moving the location of household goods from a dwelling or a place of storage within the District to a dwelling or to a place of storage within the District or within the Washington, D.C. Commercial Zone.

Washington, D.C. Commercial Zone - that area adjacent to and commercially a part of Washington, D.C., as defined and limited in Title 49, § 1048.10 of the Code of Federal Regulations.